IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 545 OF 2003

SHRI JAYWANT ARJUN PARAB, ...Petitioners
BICHOLIM-GOA.

Versus

STATE OF GOA AND ANR., ...Respondents

SHRI MAHESH AMONKAR,MRS.WINNIE COUTINHO,GA

Coram:- A.M.KHANWILKAR &
P. V. HARDAS, JJ.

Date:- 19th November, 2003

Heard both sides.
This Petition under Article 226 of the
Constitution of India seeks to challenge
the Order passed by the Principal Chief
Engineer dated September 9,2003,
transferring the Petitioner from SDIV/WD
XXIII, PWD,Sanquelim to SDIV/WDXIII,PWD,
Mapusa, on the ground of infraction of
Transfer Policy guidelines issued by the
State Government dated April 1, 1993,
in particular Clause 10 thereof.
When this Writ Petition was pending, the
Respondents have issued another Order i
n supersession of the Order dated
September 9,2003 on November 14,2003, wh
erby the Respondents have in terms withd
rawn the earlier Transfer Order and dire
cted posting of the Petitioner is Sub
Division I of the Works Division XXIII,
PWD, Sanquelim, which is the same area w

here the Petitioner was working earlier.
In this view of the matter, we find no reason to interfere in exercise of writ jurisdiction.
Learned Counsel for the Petitioner however contends that even the fresh Transfer Order will be in violation of Clause 10 of the Transfer Policy guideli nes dated April 1,1993.
On the other hand, in our view, the learned Government Advocate appearing fo r the State has rightly placed reliance on a decision of the Apex Court in the case of Union of India v. S. L. Abbas reported in AIR 1993 SC 2444 to contend that merely because the transfer of the petitioner is not in conformity with the Transfer Policy guidelines that by itself cannot be the basis of interferen ce unless the Petitioner further asserts and establishes that the transfer was mala fide in fact or in law. That is lac king in this case.
In the circumstances, no interference is required. Petition is disposed of in View of the changed circumstances.

A.M.KHANWILKAR, J.

P. V. HARDAS, J.